THE HONOURABLE SRI JUSTICE G. CHANDRAIAH

W.P. No.6438 of 2003

ORDER:

The case of the petitioners is that they are residents of Sri Ramnagar Street, i.e., by the side of Dorasanipalli Road, Proddutur Town, Kadapa District. Five decades back their families have occupied an extent of 34.44 cents of Government poramboke land situated in Survey No.447 of Dorasanipalli Road, Proddutur town, Kadapa District and they raised small huts and started living therein. Respondents–Municipality, sought to demolish the same without issuing any notice to the petitioners.

Respondents 3 and 4 - Municipality filed counter affidavit stating that they proposed to construct a community hall in Survey No.442 situated at Sri Ram Nagar Street, Dorasanipalli Road, which is kept vacant and there are no huts in the said land.

The Municipality had already removed all the encroachments in the channel poramboke in 1997 along the irrigation channels for free flow of drainage water. It is categorically stated in the counter that they never tried to remove the huts of the petitioners situated in Survey No.447 without notice.

Learned standing counsel appearing for the Municipality contends that the petitioners have approached this Court with an apprehension that their huts situated in Survey No.447 will be removed. It is categorically stated in the counter that Municipality has proposed to construct a community hall in Survey No.442 situated at Sri Ram Nagar Street, Dorasanipalli Road where there are no huts in the said survey number and they never tried to remove the huts of the petitioners situated in Survey No.447, without any notice.

In view of the averments made in the affidavit and counter and submission made by the learned standing counsel that Municipality had never tried to remove the huts of the petitioners situated in Survey No.447 of Dorasanipalli Road, Proddutur Town, Kadapa District, I am of the considered opinion that the writ petition has been filed with an apprehension that the huts of the petitioners will be removed therefore, no relief as sought for can be granted to the petitioners.

For the above reason the writ petition fails and is dismissed. No separate order as to costs.

JUSTICE G. CHANDRAIAH

Date: 12-07-2006
LSK